THE ALL ENGLAND LAW REPORTS

Tables and Index 1987

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Cases reported and considered
Practice directions and notes
Statutes considered
Words and phrases considered
Subject index

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Introduction

The Tables and Index 1987 covers all the cases reported in the three volumes of the All England Law Reports for 1987.

The tables and index consists of five sections:

- a table of cases reported and judicially considered; this table lists alphabetically all cases reported in the All England Law Reports in 1987, and in addition it lists all cases of any date which have been reported in the All England Law Reports and the All England Law Reports Reprint and which were judicially considered, ie applied, distinguished, overruled and so on, in cases reported during 1987
- a table of practice directions and notes issued in 1987
- a table of statutes etc judicially considered in 1987
- a table of words and phrases judicially considered in 1987
- a subject index, including a full system of cross-references, of all cases reported in 1987.

The Tables and Index 1987, when used in conjunction with the three volumes of the Consolidated Tables and Index 1936–1986, provides a complete index of cases reported in the All England Law Reports from 1936 to the end of 1987.

The index is separate from the 1987 volumes of the All England Law Reports and should therefore *not* be sent in for binding with the loose parts of the reports.

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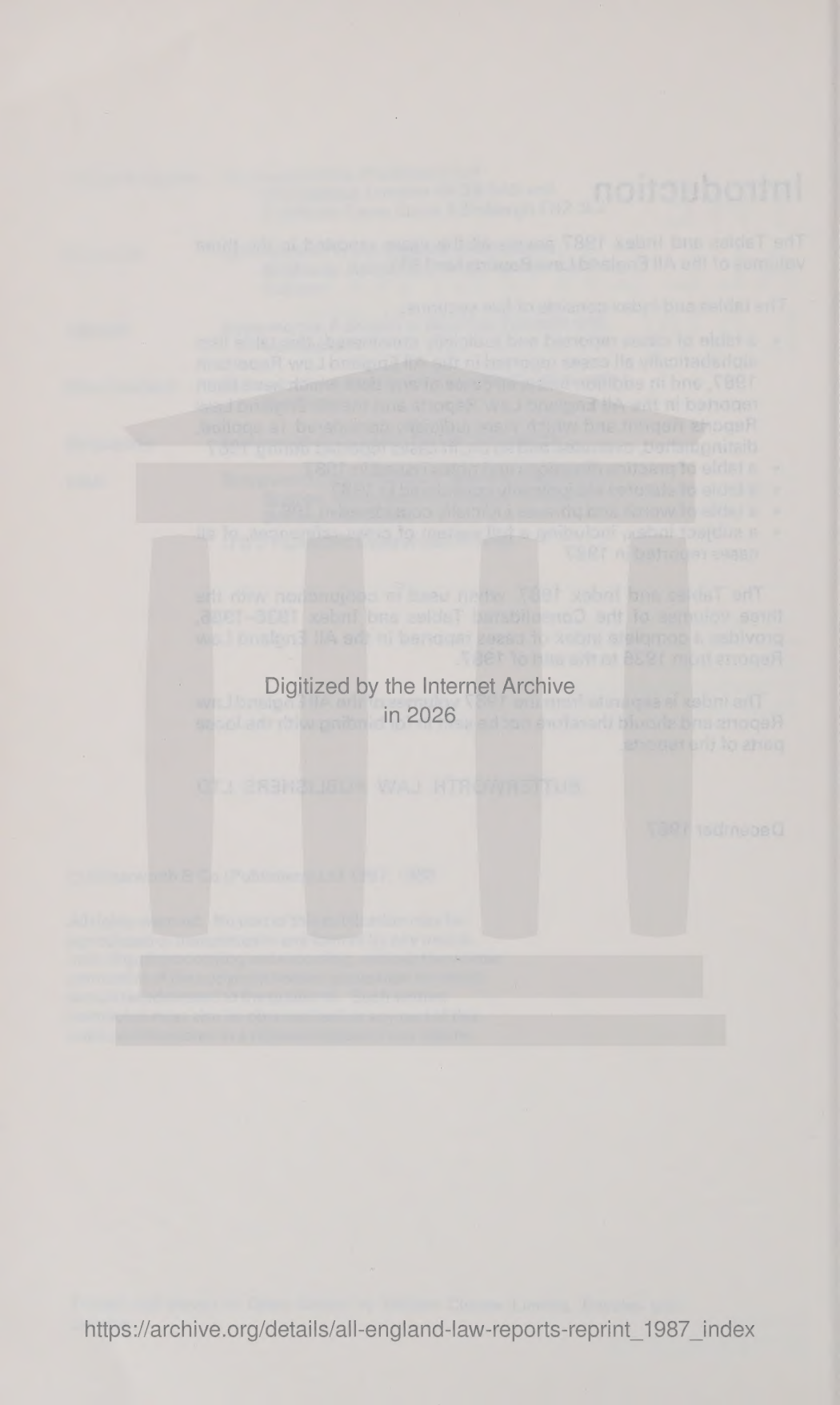
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Crown Court at Maidstone, R v, ex p Gill. *See* R v Crown Court at Maidstone, ex p Gill
Crown Court at Manchester, R v, ex p Williams. *See* R v Crown Court at Manchester, ex p Williams
Crozier, Barnet v. *See* Barnet v Crozier
Cuckson v Stones [1843-60] 390, QB
Considered, Miles v Wakefield Metropolitan DC [1987] **1** 1089
Cunard's Trustees v IRC [1945] **2** 23, KBD
Reversed [1946] **1** 159, CA
Distinguished, Stevenson (Inspector of Taxes) v Wishart [1987] **2** 428
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Cutts v Head [1984] **1** 597, CA
Dictum applied, South Shropshire DC v Amos [1987] **1** 340
Czarnikow & Co Ltd v Roth Schmidt & Co [1922] 45, CA
Considered, Deutsche Schachtbau-und Tiefbohrgesellschaft mbH v Ras Al Khaimah National Oil Co [1987] **2** 769

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D (a minor)(wardship : sterilisation), Re [1976] **1** 326, FamD
Considered, Re B (a minor)(wardship : sterilisation) [1987] **2** 206
D (a minor), Re [1987] **3** 717, CA
D (a minor) v Berkshire CC [1987] **1** 20, FamD, CA & HL
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Datafin plc, ex p, R v Panel on Take-overs and Mergers (Norton Opax plc intervening). *See* R v Panel on Take-overs and Mergers, ex p Datafin plc (Norton Opax plc intervening)
Davies v Eli Lilly & Co [1987] **1** 801, CA
Davies (Joseph Owen) v Eli Lilly & Co [1987] **3** 94, CA
Davis (William) & Co (Loughborough) Ltd, Home Brewery plc v. *See* Home Brewery plc v Davis (William) & Co (Loughborough) Ltd
Davy-Chiesman v Davy-Chiesman [1984] **1** 321, CA
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Followed, Hamlet v General Municipal Boilermakers and Allied Trade Union [1987] **1** 631
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Dayton (AE) Services Ltd, Polkey v. *See* Polkey v A E Dayton Services Ltd
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Applied, Dinch v Dinch [1987] **1** 818
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Dean v Ainley [1987] **3** 748, CA
Debenhams plc v Westminster City Council [1987] **1** 51, HL
Defiant Cycle Co Ltd v Newell [1953] **2** 38, QBD
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Dew, ex p, R v Secretary of State for the Home Dept. *See* R v Secretary of State for the Home Dept, ex p Dew
Dewar v Goodman [1908-10] 188, HL
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Dews v National Coal Board [1986] **2** 769, CA
Affirmed [1987] **2** 545, HL
Dinch v Dinch [1987] **1** 818, HL
Dixon v Allgood [1987] **3** 1082, HL
Dodd Properties (Kent) Ltd v Canterbury City Council [1979] **2** 118, QBD
Reversed [1980] **1** 928, CA
Applied, County Personnel (Employment Agency) Ltd v Alan R Pulver & Co (a firm) [1987] **1** 289
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Considered, Aswan Engineering Establishment Co v Lupdine Ltd (Thurgar Bolle Ltd, third party) [1987] **1** 135
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Doughty v General Dental Council [1987] **3** 843, PC
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Distinguished, Plymouth City Council v Quietlynn Ltd [1987] **2** 1040
DPP v Hester [1972] **2** 1020, CA
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Dictum explained, A-G of Hong Kong v Wong Muk-ping [1987] **2** 488
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Reversed [1973] **1** 440, HL
Dictum applied, A-G of Hong Kong v Wong Muk-ping [1987] **2** 488
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Dyson v Forster [1908-10] 212, HL
Followed, Kumar v Dunning [1987] **2** 801

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East Berkshire Area Health Authority, Hotson v. *See* Hotson v East Berkshire Area Health Authority
Economist Newspaper Ltd, Bobolas v. *See* Bobolas v Economist Newspaper Ltd
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Reversed in part, affirmed in part [1972] **1** 444, CA
Applied, Re Tom's Settlement [1987] **1** 1081
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Eli Lilly & Co, Davies (Joseph Owen) v. *See* Davies (Joseph Owen) v Eli Lilly & Co
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Eshelby v Federated European Bank Ltd [1931] 840, CA
Considered, Tilcon Ltd v Land and Real Estate Investments Ltd [1987] **1** 615
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Euro-Diam Ltd v Bathurst [1987] **2** 113, QBD
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Followed, Gold v Haringey Health Authority [1987] **2** 888

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F (a minor)(adoption : parental consent), Re [1982] **1** 321, CA
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Federal Commerce and Navigation Co Ltd v Tradax Export SA [1976] **1** 293, QBD
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Reversed [1977] **2** 849, HL
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Garwood, R v. *See* R v Garwood
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Geismar v Sun Alliance and London Insurance Ltd [1977] **3** 570, QBD
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General Medical Council, R v, ex p Gee. *See* R v General Medical Council, ex p Gee
General Medical Council Professional Conduct Committee, R v, ex p Gee. *See* R v General Medical Council Professional Conduct Committee, ex p Gee
General Municipal Boilermakers and Allied Trades Union, Hamlet v. *See* Hamlet v General Municipal Boilermakers and Allied Trades Union
Gilhaney, ex p, R v Secretary of State for Wales. *See* R v Secretary of State for Wales, ex p Gilhaney
Gill, ex p, R v Crown Court at Maidstone. *See* R v Crown Court at Maidstone, ex p Gill
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Reversed [1985] **3** 402, HL
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Glasbrook Bros Ltd v Glamorgan CC [1924] 579, HL
Considered, Harris v Sheffield United Football Club Ltd [1987] **2** 838
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Considered, De L'Isle (Viscount) v Times Newspapers Ltd [1987] **3** 499
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Considered, Re Basham (decd) [1987] **1** 405
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Considered, Guinness Peat Properties Ltd v Fitzroy Robinson Partnership (a firm) [1987] **2** 716
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Greater London Council, British Amusement Catering Trades Association v. *See* British Amusement Catering Trades Association v Westminster City Council
Greater Manchester North District Coroner, R v, ex p Worch. *See* R v Greater Manchester North District Coroner, ex p Worch
Greenstone Shipping SA, Indian Oil Corp Ltd v. *See* Indian Oil Corp Ltd v Greenstone Shipping SA
Gregory, Baylis (Inspector of Taxes) v. *See* Baylis (Inspector of Taxes) v Gregory
Greycroft Ltd, City and Metropolitan Properties Ltd v. *See* City and Metropolitan Properties Ltd v Greycroft Ltd
Group Lotus Car Cos plc, Brady (Inspector of Taxes) v. *See* Brady (Inspector of Taxes) v Group Lotus Car Cos plc
Guardian Newspapers Ltd, A-G v. *See* A-G v Guardian Newspapers Ltd
Guinness Peat Properties Ltd v Fitzroy Robinson Partnership (a firm) [1987] **2** 716, CA
Gulf Oil (GB) Ltd v Page [1987] **3** 14, CA
Gumbley v Cunningham [1987] **3** 733, QBD
Gwent CC, ex p, R v Secretary of State for Transport. *See* R v Secretary of State for Transport, ex p Gwent CC

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Hadjiloucas v Crean [1987] **3** 1008, CA
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Hadley v Baxendale [1843-60] 461, Ex
Applied, President of India v Lips Maritime Corp [1987] **1** 957
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Halil, Rignall Developments Ltd v. *See* Rignall Developments Ltd v Halil
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Halt Garage (1964) Ltd, Re [1982] **3** 1016, ChD
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Hammersmith and Fulham London BC, R v, ex p Beddowes. *See* R v Hammersmith and Fulham London BC, ex p Beddowes
Hammond, Baljinder Singh v. *See* Baljinder Singh v Hammond
Handels-und Transportgesellschaft mbH, Universal Petroleum Co Ltd (in liq) v. *See* Universal Petroleum Co Ltd (in liq) v Handels-und Transportgesellschaft mbH
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Harrison v Tew [1987] **3** 865, CA
Hart v Emelkirk Ltd [1983] **3** 15, ChD
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Considered, Bradshaw v University College of Wales, Aberystwyth [1987] **3** 200
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Considered, Smith v Littlewoods Organisation Ltd (Chief Constable, Fife Constabulary, third party) [1987] **1** 710
Considered, Attia v British Gas plc [1987] **3** 455
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Applied, Ogwo v Taylor [1987] **1** 668
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Affirmed [1987] **2** 344, CA
Heatons Transport (St Helens) Ltd v Transport and General Workers Union [1972] **2** 1214, NIRC and CA, [1972] **3** 101, HL
Applied, Jacques v Amalgamated Union of Engineering Workers (Engineering Section) [1987] **1** 621
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Hemens (Valuation Officer) v Whitsbury Farm and Stud Ltd [1987] **1** 430, CA
Herbage, ex p, R v Secretary of State for the Home Dept (No 2). *See* R v Secretary of State for the Home Dept, ex p Herbage (No 2)
Herdmans Ltd, O'Sullivan v. *See* O'Sullivan v Herdmans Ltd
Heskell v Continental Express Ltd [1950] **1** 1033
Dictum applied, Banque Keyser Ullmann SA v Skandia (UK) Insurance Co Ltd [1987] **2** 923
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Hill v Chief Constable of West Yorkshire [1987] **1** 1173, CA
Considered, Yuen Kun-yeu v A-G of Hong Kong [1987] **2** 705
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HMF (mental patient : will), Re [1975] **2** 795, ChD
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Hussain v New Taplow Paper Mills Ltd [1987] **1** 417, CA
Hyland, Phillips Products Ltd v. *See* Phillips Products Ltd v Hyland

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Imecar AG, Perrylease Ltd v. *See* Perrylease Ltd v Imecar AG
Immigration Appeal Tribunal, R v, ex p Hassanin. *See* R v Immigration Appeal Tribunal, ex p Hassanin
Immigration Appeal Tribunal, R v, ex p Ruhul. *See* R v Immigration Appeal Tribunal, ex p Ruhul
Immigration Appeal Tribunal, R v, ex p Singh. *See* R v Immigration Appeal Tribunal, ex p Singh
Imperial Brewing and Leisure Ltd, Ryan v. *See* Ryan v Imperial Brewing and Leisure Ltd
Indian Oil Corp Ltd v Greenstone Shipping SA [1987] **3** 893, QBD
International Tin Council, Re [1987] **1** 890, ChD
International Tin Council, Maclaine Watson & Co Ltd v. *See* Maclaine Watson & Co Ltd v International Tin Council
International Tin Council, Maclaine Watson & Co Ltd v (No 2). *See* Maclaine Watson & Co Ltd v International Tin Council (No 2)
International Westminster Bank plc v Okeanos Maritime Corp [1987] **3** 137, ChD
Interpool Ltd v Galani [1987] **2** 981, CA
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Irwin, R v. *See* R v Irwin
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Jacques v Amalgamated Union of Engineering Workers (Engineering Section) [1987] **1** 621, ChD
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Applied, Bulk Transport Group Shipping Co Ltd v Seacrystal Shipping Ltd [1987] **3** 222
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Dictum considered, Tilcon Ltd v Land and Real Estate Investments Ltd [1987] **1** 615
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Jones v Jones [1970] **3** 47, CA
Applied, Kleinwort Benson Ltd v Barbrak Ltd [1987] **2** 289
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Varied [1984] **3** 1003, CA
Not followed, Pritchard v J H Cobden Ltd [1987] **1** 300
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Affirmed [1951] **1** 682, CA
Dictum disapproved, R v Al Industrial Products plc [1987] **2** 368
Junior Books Ltd v Veitchi Co Ltd [1982] **3** 201, HL
Applied, Lawton v BOC Transhield Ltd [1987] **2** 608
Considered, Aswan Engineering Establishment Co v Lupdine Ltd (Thurgar Bolle Ltd, third party) [1987] **1** 135
Considered, Yuen Kun-yeu v A-G of Hong Kong [1987] **2** 705

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K Ltd, A Co v (note). *See* A Co v K Ltd (note)
Kay v Ayrshire and Arran Health Board [1987] **2** 417, HL
Kelly v London Transport Executive [1982] **2** 842, CA
Considered, Orchard v South Eastern Electricity Board [1987] **1** 95
Dictum disapproved, Orchard v South Eastern Electricity Board [1987] **1** 95
Kemp v Liebherr-GB Ltd [1987] **1** 885, QBD
Kendall (Henry) & Sons (a firm) v William Lillico & Sons Ltd [1966] **1** 309, CA
Affirmed in part [1968] **2** 444, HL
Considered, Aswan Engineering Establishment Co v Lupdine Ltd (Thurgar Bolle Ltd, third party) [1987] **1** 135
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Applied, SCF Finance Co Ltd v Masri (No 3) (Masri, garnishee) [1987] **1** 194
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Affirmed [1983] **1** 765, HL
Distinguished, Bugdaycay v Secretary of State for the Home Dept [1987] **1** 940
King v Liverpool City Council [1986] **3** 544, CA
Considered, Smith v Littlewoods Organisation Ltd (Chief Constable, Fife Constabulary, third party) [1987] **1** 710
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Kitchen v Royal Air Forces Association [1958] **2** 241, CA
Distinguished, Hotson v East Berkshire Area Health Authority [1987] **2** 909
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Knipe v British Rlys Board [1972] **1** 673, CA
Overruled, Arnold v Central Electricity Generating Board [1987] **3** 694
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Kumar v Dunning [1987] **2** 801, CA
Kyte v Kyte [1987] **3** 1041, CA
Kyzikos, The. *See* Bulk Transport Group Shipping Co Ltd v Seacrystal Shipping Ltd

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Ladd v Marshall [1954] **3** 745, CA
Distinguished, Brady (Inspector of Taxes) v Group Lotus Car Cos plc [1987] **2** 674
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Laidler v Perry (Inspector of Taxes) [1964] **3** 329, CA
Affirmed [1965] **2** 121, HL
Considered, Hamblett v Godfrey (Inspector of Taxes) [1987] **1** 916
Laing (John) Construction Ltd v Dastur [1987] **3** 247, CA
Considered, Smith v Springer [1987] **3** 252
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Considered, Smith v Littlewoods Organisation Ltd (Chief Constable, Fife Constabulary, third party) [1987] **1** 710
Lambeth London BC, R v, ex p Clayhope Properties Ltd. *See* R v Lambeth London BC, ex p Clayhope Properties Ltd
Land and Real Estate Investments Ltd, Tilcon Ltd v. *See* Tilcon Ltd v Land and Real Estate Investments Ltd
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Lawton v BOC Transhield Ltd [1987] **2** 608, QBD
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Affirmed [1980] **1** 17, CA
Applied, Home Brewery Co Ltd v Davis & Co (Leicester) Ltd [1987] **1** 637
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Leigh, ex p, R v Felixstowe Justices. *See* R v Felixstowe Justices, ex p Leigh
Lewis, Surrey CC v. *See* Surrey CC v Lewis
Liebherr-GB Ltd, Kemp v. *See* Kemp v Liebherr-GB Ltd
Lim Poh Choo v Camden and Islington Area Health Authority [1979] **1** 332, QBD & CA
Varied [1979] **2** 910, HL
Considered, Thomas v Wignall [1987] **1** 1185
Lines Bros Ltd, Re [1982] **2** 183, CA
Dictum explained, Re International Tin Council [1987] **1** 890
Linnett v Coles [1986] **3** 652, CA
Dictum applied, Wright v Jess [1987] **2** 1067
Dictum considered, Harmsworth v Harmsworth [1987] **3** 816
Lips, The. *See* President of India v Lips Maritime Corp
Lips Maritime Corp, President of India v. *See* President of India v Lips Maritime Corp
Lister (R A) & Co Ltd v E G Thomson (Shipping) Ltd (No 2) [1987] **3** 1032, QBD
Litchfield, Smail v. *See* Smail v Litchfield
Littlewoods Organisation Ltd, Smith v (Chief Constable, Fife Constabulary, third party). *See* Smith v Littlewoods Organisation Ltd (Chief Constable, Fife Constabulary, third party)
Liverpool Juvenile Court, R v, ex p R. *See* R v Liverpool Juvenile Court, ex p R
Livesey (formerly Jenkins) v Jenkins [1985] **1** 106, HL
Considered, H v B (formerly H) [1987] **1** 766
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Lloyds Bank plc v Duker [1987] **3** 193, ChD
Lohan (T) (Plant Hire) Ltd, Thompson v (J W Hurdiss Ltd, third party). *See* Thompson v T Lohan (Plant Hire) Ltd (J W Hurdiss Ltd, third party)
Lombard North Central plc v Butterworth [1987] **1** 267, CA
London and Clydeside Estates Ltd v Aberdeen DC [1979] **3** 876, HL
Distinguished, Plymouth City Council v Quietlynn Ltd [1987] **2** 1040

London and County (A & D) Ltd v Wilfred Sportsman Ltd (Greenwoods Hosiers and Outfitters Ltd, third party) [1970] **2** 600, CA
Distinguished, Ashton v Sobelman [1987] **1** 755
London Iron and Steel Co Ltd, Morris v. *See* Morris v London Iron and Steel Co Ltd
London Merchant Securities plc v Islington London BC [1987] **2** 961, HL
London Scottish Benefit Society v Chorley [1881-5] 1111, CA
Applied, R v Boswell [1987] **2** 513
Lonrho Ltd v Shell Petroleum Co Ltd [1981] **2** 456, HL
Applied, CBS Songs Ltd v Amstrad Consumer Electronics Ltd [1987] **3** 151
Dictum applied, Rickless v United Artists Corp [1987] **1** 679
Lucas-Box v News Group Newspapers Ltd [1986] **1** 177, CA
Considered, De L'Isle (Viscount) v Times Newspapers Ltd [1987] **3** 499
Lupdine Ltd, Aswan Engineering Establishment Co v (Thurgar Bolle Ltd, third party). *See* Aswan Engineering Establishment Co v Lupdine Ltd (Thurgar Bolle Ltd, third party)
Lupton v White [1803-13] 356, LC Ct
Considered, Indian Oil Corp Ltd v Greenstone Shipping SA [1987] **3** 893
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Dicta applied, R v Sharp [1987] **3** 103
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M, ex p, R v Corby Juvenile Court. *See* R v Corby Juvenile Court, ex p M
M (a minor)(custodianship : jurisdiction), Re [1987] **2** 88, CA
Macarthys Ltd v Smith [1978] **2** 746, EAT; on appeal [1979] **3** 325, CA
Reference on point of law [1981] **1** 111, CJEC
Affirmed [1981] **1** 111, CA
Applied, Pickstone v Freemans plc [1987] **3** 756
McDermid v Nash Dredging and Reclamation Co Ltd [1986] **2** 676, CA
Affirmed [1987] **2** 878, HL
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Considered, Fitzgerald v Lane [1987] **2** 455
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Distinguished, Hotson v East Berkshire Area Health Authority [1987] **2** 909
Mackender v Feldia AG [1966] **3** 847, CA
Considered, Euro-Diam Ltd v Bathurst [1987] **2** 113
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Dictum applied, Re Tucker (a bankrupt), ex p Tucker [1987] **2** 23
Distinguished, Interpool Ltd v Galani [1987] **2** 981
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Maclaine Watson & Co Ltd, Shearson Lehman Bros Inc v. *See* Shearson Lehman Bros Inc v Maclaine Watson & Co Ltd
McLoughlin v O'Brian [1981] **1** 809, CA
Reversed [1982] **2** 298, HL
Considered, Attia v British Gas plc [1987] **3** 455
Dicta applied, Hill v Chief Constable of West Yorkshire [1987] **1** 1173
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MacShannon v Rockware Glass Ltd [1977] **2** 449, CA
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Considered, SNI Aérospatiale v Lee Kui Jak [1987] **3** 510
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Mahon v Air New Zealand Ltd [1984] **3** 201, PC
Considered, R v Monopolies and Mergers Commission, ex p Matthew Brown plc [1987] **1** 463
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Applied, Sharneyford Supplies Ltd v Edge (Barrington Black Austin & Co (a firm), third party) [1987] **1** 588
Mallett v McMonagle [1969] **2** 178, HL
Dictum applied, Hotson v East Berkshire Area Health Authority [1987] **2** 909
Maples (formerly Melamud) v Maples [1987] **3** 188, FamD
Mara, R v. *See* R v Mara
Maritime Electric Co Ltd v General Dairies Ltd [1937] **1** 748, PC
Dictum applied, Re Exchange Securities and Commodities Ltd [1987] **2** 272
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Marrinan v Vibart [1962] **1** 869, QBD
Affirmed [1962] **3** 380, CA
Distinguished, Business Computers International Ltd v Registrar of Companies [1987] **3** 465
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Matthew Brown plc, ex p, R v Monopolies and Mergers Commission. *See* R v Monopolies and Mergers Commission, ex p Matthew Brown plc
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Maxwell v Pressdram Ltd [1987] **1** 656, CA
Meek v Fleming [1961] **3** 148, CA
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Applied, Brady (Inspector of Taxes) v Group Lotus Car Cos plc [1987] **3** 1050
Melamud, Maples (formerly Melamud) v. *See* Maples (formerly Melamud) v Melamud

Miles v Wakefield Metropolitan DC [1985] **1** 905, CA
Reversed [1987] **1** 1089, HL
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Affirmed [1975] **3** 801, HL
Applied, Re Scandinavian Bank Group plc [1987] **2** 70
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Reversed in part [1970] **1** 1009, CA
Considered, Lawton v BOC Transhield Ltd [1987] **2** 608
Minton v Minton [1979] **1** 79, HL
Applied, Dinch v Dinch [1987] **1** 818
Miraflores, The, and the Abadesa [1966] **1** 553, CA
Affirmed in part; varied in part [1967] **1** 672, HL
Dictum applied, Fitzgerald v Lane [1987] **2** 455
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Affirmed [1983] **2** 737, HL
Dictum applied, Phillips Products Ltd v Hyland [1987] **2** 620
Monopolies and Mergers Commission, R v, ex p Elders IXL Ltd. *See* R v Monopolies and Mergers Commission, ex p Elders IXL Ltd
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Monsanto plc v Transport and General Workers' Union [1987] **1** 358, CA
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Moss' Empires Ltd v Olympia (Liverpool) Ltd [1938] **3** 166, CA
Reversed [1939] **3** 460, HL
Distinguished, Hua Chiao Commercial Bank Ltd v Chiaphua Industries Ltd [1987] **1** 1110
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Considered, Aswan Engineering Establishment Co v Lupdine Ltd (Thurgar Bolle Ltd, third party) [1987] **1** 135
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Nanayakkara, R v. *See* R v Nanayakkara
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National Employers Mutual General Insurance Association Ltd v Jones [1987] **3** 385, CA
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Reversed [1985] **1** 821, HL
Considered, Goldsworthy v Brickell [1987] **1** 853
Naylor v Preston Area Health Authority [1987] **2** 353, CA
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Affirmed [1964] **3** 532, CA
Distinguished, National Employers Mutual General Insurance Association Ltd v Jones [1987] **3** 385
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Northumbria Police Authority, ex p, R v Secretary of State for the Home Dept. *See* R v Secretary of State for the Home Dept, ex p Northumbria Police Authority
Norton Tool Co Ltd v Tewson [1973] **1** 183, NIRC
Applied, Addison v Babcock FATA Ltd [1987] **2** 784
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Reversed [1972] **3** 813, CA
Reversed [1973] **2** 943, HL
Distinguished, Ricci v Chow [1987] **3** 534

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Ogwo v Taylor [1987] **1** 668, CA
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Okeanos Maritime Corp, International Westminster Bank plc v. *See* International Westminster Bank plc v Okeanos Maritime Corp
Orchard v South Eastern Electricity Board [1987] **1** 95, CA
Dictum applied, Business Computers International Ltd v Registrar of Companies [1987] **3** 465
O'Reilly v Mackman [1982] **3** 680, QBD & CA
Affirmed [1982] **3** 1124, HL
Considered, R v Panel on Take-overs and Mergers, ex p Datafin plc (Norton Opax plc intervening) [1987] **1** 564
Dictum considered, R v Secretary of State for the Home Dept, ex p Ruddock [1987] **2** 518
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Oxford Regional Mental Health Review Tribunal, Secretary of State for the Home Dept v. *See* Secretary of State for the Home Dept v Oxford Regional Mental Health Review Tribunal

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Pacific Motor Auctions Pty Ltd v Motor Credits (Hire Finance) Ltd [1965] **2** 105, PC
Followed, National Employers Mutual General Insurance Association Ltd v Jones [1987] **3** 385
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Affirmed [1987] **3** 565, CA
Palmer v R [1971] **1** 1077, PC
Dictum considered, R v Whyte [1987] **3** 416
Explained, Beckford v R [1987] **3** 425
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Parish (Scarborough) Ltd, Rogers v. *See* Rogers v Parish (Scarborough) Ltd
Parry v Cleaver [1967] **2** 1168, CA
Reversed [1969] **1** 555, HL
Applied, Hussain v New Taplow Paper Mills Ltd [1987] **1** 417
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Dictum applied, Hussain v New Taplow Paper Mills Ltd [1987] **1** 417
Patel v W H Smith (Eziot) Ltd [1987] **2** 569, CA
Paterson Zochonis & Co Ltd v Merfarken Packaging Ltd (1982)[1986] **3** 522, CA
Dictum considered, Banque Keyser Ullmann SA v Skandia (UK) Insurance Co Ltd [1987] **2** 923
Paton v Trustees of BPAS [1978] **2** 987, QBD
Dictum followed, C v S [1987] **1** 1230
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Affirmed [1984] **3** 529, HL
Dictum applied, Hill v Chief Constable of West Yorkshire [1987] **1** 1173
Dictum applied, Banque Keyser Ullmann SA v Skandia (UK) Insurance Co Ltd [1987] **2** 923
Dictum applied, Business Computers International Ltd v Registrar of Companies [1987] **3** 465
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Dictum applied, Re Tucker (a bankrupt), ex p Tucker [1987] **2** 23
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Dictum followed, National Employers Mutual General Insurance Association Ltd v Jones [1987] **3** 385
Peatfield v General Medical Council [1987] **1** 1197, PC
Perez-Adamson v Perez-Rivas (Barclays Bank plc, third party) [1987] **3** 20, CA
Perez-Rivas, Perez-Adamson v (Barclays Bank plc, third party). *See* Perez-Adamson v Perez-Rivas (Barclays Bank plc, third party)
Pergamon Press Ltd, Re [1970] **2** 449, ChD
Affirmed [1970] **3** 535, CA
Dictum applied, R v Monopolies and Mergers Commission, ex p Elders IXL Ltd [1987] **1** 451
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Explained, Smith v Littlewoods Organisation Ltd (Chief Constable, Fife Constabulary, third party) [1987] **1** 710
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Applied, SNI Aérospatiale v Lee Kui Jak [1987] **3** 510
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Distinguished, Thompson v T Lohan (Plant Hire) Ltd (J W Hurdiss, third party) [1987] **2** 631
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Reversed in part [1987] **2** 152, CA
Phoenix General Insurance Co of Greece SA v Halvanon Insurance Co Ltd. *See* Phoenix General Insurance Co SA v Administratia Asigurarilor de Stat
Pickstone v Freemans plc [1987] **3** 756, CA
Pilkington Glass Ltd, Simaan General Contracting Co v. *See* Simaan General Contracting Co v Pilkington Glass Ltd
Pir, Clauss v. *See* Clauss v Pir
Planche v Fletcher [1775-1802] 409, KB
Dictum considered, Euro-Diam Ltd v Bathurst [1987] **2** 113
Plymouth City Council v Quietlynn Ltd [1987] **2** 1040, QBD
Polkey v A E Dayton Services Ltd [1987] **1** 984, CA
Reversed [1987] **3** 974, HL
Pollway Nominees Ltd v Croydon London BC [1985] **3** 24, CA
Affirmed [1986] **2** 849, HL
Applied, R v Lambeth London BC, ex p Clayhope Properties Ltd [1987] **3** 545

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Reversed [1973] **3** 225, CA
Affirmed [1974] **1** 229, HL
Considered, National Coal Board v Ridgway [1987] **3** 582
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Poulton's Will Trusts, Re [1987] **1** 1068, ChD
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Explained, Re N and L (minors) (adoption proceedings: venue) [1987] **2** 732
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Dictum applied, Perrylease Ltd v Imecar AG [1987] **2** 373
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Distinguished, President of India v Lips Maritime Corp [1987] **3** 110
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Reversed [1987] **3** 110, HL
Pressdram Ltd, Goldsmith v. *See* Goldsmith v Pressdram Ltd
Pressdram Ltd, Maxwell v. *See* Maxwell v Pressdram Ltd
Preston Area Health Authority, Naylor v. *See* Naylor v Preston Area Health Authority
Pritchard v J H Cobden Ltd [1987] **1** 300, CA
Proudfoot v Hart [1886-90] 782, CA
Distinguished, Post Office v Aquarius Properties Ltd [1987] **1** 1055
Puhlhofer v Hillingdon London BC [1985] **3** 734, CA
Affirmed [1986] **1** 467, HL
Applied, West Glamorgan CC v Rafferty [1987] **1** 1005
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Considered, Barder v Barder (Caluori intervening) [1987] **2** 440

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Applied, Post Office v Aquarius Properties Ltd [1987] **1** 1055
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R v Andrews [1987] **1** 513, HL
R v Appeal Committee of County of London Quarter Sessions, ex p Rossi [1956] **1** 670, CA
Distinguished, R v Secretary of State for the Home Dept, ex p Yeboah [1987] **3** 999
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R v BBC, ex p Lavelle [1983] **1** 241, QBD
Considered, R v Panel on Take-overs and Mergers, ex p Datafin plc (Norton Opax plc intervening) [1987] **1** 564
Considered, R v Secretary of State for the Home Dept, ex p Dew [1987] **2** 1049
R v Beck [1985] **1** 571, CA
Distinguished, R v Nanayakkara [1987] **1** 650
R v Boswell [1987] **2** 513, QBD
R v Bristol Justices, ex p Broome [1987] **1** 676, QBD
R v Britton [1987] **2** 412, CA
R v Central Criminal Court, ex p Adegbesan [1986] **3** 113, QBD
Considered, R v Crown Court at Inner London Sessions, ex p Baines & Baines (a firm) [1987] **3** 1025
R v Chief Constable of the Devon and Cornwall Constabulary, ex p Central Electricity Generating Board [1981] **3** 826, CA
Applied, R v Secretary of State for the Home Dept, ex p Northumbria Police Authority [1987] **2** 282
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Dicta doubted, R v Immigration Appeal Tribunal, ex p Ruhul [1987] **3** 705
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R v Comr for the Special Purposes of the Income Tax Acts, ex p R W Forsyth Ltd [1987] **1** 1035, QBD
R v Cook [1987] **1** 1049, CA
R v Corby Juvenile Court, ex p M [1987] **1** 992, QBD
R v Court [1987] **1** 120, CA
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Considered, R v Panel on Take-overs and Mergers, ex p Datafin plc (Norton Opax plc intervening) [1987] **1** 564
R v Crown Court at Cardiff, ex p Jones [1973] **3** 1027, QBD
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R v Crown Court at Leicester, ex p DPP [1987] **3** 654, QBD
R v Crown Court at Maidstone, ex p Gill [1987] **1** 129, QBD
R v Crown Court at Manchester, ex p Williams [1987] **3** 678, CA
R v Delgado [1984] **1** 449, CA
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R v East Berkshire Health Authority, ex p Walsh [1984] **3** 425, CA
Considered, R v Secretary of State for the Home Dept, ex p Dew [1987] **2** 1049
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R v Felixstowe Justices, ex p Leigh [1987] **1** 551, QBD
R v Fulling [1987] **2** 65, CA
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R v Furlong [1950] **1** 636, CCA
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R v Garwood [1987] **1** 1032, CA
R v General Medical Council, ex p Gee. *See* Gee v General Medical Council
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R v Golder [1987] **3** 231, CA
R v Gorman [1987] **2** 435, CA
R v Governor of Ashford Remand Centre, ex p Beese. *See* Beese v Governor of Ashford Remand Centre
R v Governor of Pentonville Prison, ex p Sotiriadis. *See* Government of the Federal Republic of Germany v Sotiriadis
R v Graham [1982] **1** 801, CA
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R v Green [1950] **1** 38, CCA
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R v Hammersmith and Fulham London BC, ex p Beddowes [1987] **1** 369, CA
R v Hammertons Cars Ltd [1976] **3** 758, CA
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R v Hudson [1956] **1** 814, CCA
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Reversed [1987] **1** 1, HL
R v Immigration Appeal Tribunal, ex p Bastiampillai [1983] **2** 844, QBD
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R v Immigration Appeal Tribunal, ex p Mehmet [1977] **2** 602, QBD
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R v Immigration Appeal Tribunal, ex p Singh [1987] **3** 690, CA
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R v King [1987] **1** 547, CA
R v Lambeth London BC, ex p Clayhope Properties Ltd [1987] **3** 545, CA
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R v Lewis [1908-10] 654, CCA
Dictum applied, R v Gorman [1987] **2** 435
R v Lipman [1969] **3** 410, CCA
Considered, R v O'Grady [1987] **3** 420
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R v Nanayakkara [1987] **1** 650, CA
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R v Newcastle upon Tyne City Justices, ex p Skinner [1987] **1** 349, QBD

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R v O'Grady [1987] **3** 420, CA
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R v Oxford City Justices, ex p Berry [1987] **1** 1244, QBD
R v Oxford Regional Mental Health Review Tribunal, ex p Secretary of State for the Home Dept. *See* Secretary of State for the Home Dept v Oxford Regional Mental Health Review Tribunal
R v Panel on Take-overs and Mergers, ex p Datafin plc (Norton Opax plc intervening) [1987] **1** 564, CA
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R v Secretary of State for the Home Dept, ex p Yeboah [1987] **3** 999, CA
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R v Secretary of State for Wales, ex p Gilhaney [1987] **1** 1005, CA
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R v Waltham Forest London BC, ex p Baxter [1987] **3** 671, CA
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Rolled Steel Products (Holdings) Ltd v British Steel Corp [1982] **3** 1057, ChD
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Considered, Rosemary Simmons Memorial Housing Association Ltd v United Dominions Trust Ltd (Bates & Partners (a firm), third party) [1987] **1** 281
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Rylands v Fletcher [1861-73] 1, HL
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Sandeman & Sons v Tyzack and Branfoot Steamship Co Ltd [1911-13] 1013, HL
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SCF Finance Co Ltd v Masri (No 3) (Masri, garnishee) [1987] **1** 194, CA
Schifreen, R v. *See* R v Schifreen
Scott v Brown Doering McNab & Co [1891-4] 654, CA
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Secretary of State for the Home Dept, Bugdaycay v. *See* Bugdaycay v Secretary of State for the Home Dept
Secretary of State for the Home Dept, R v, ex p Bugdaycay. *See* Bugdaycay v Secretary of State for the Home Dept
Secretary of State for the Home Dept, R v, ex p Dew. *See* R v Secretary of State for the Home Dept, ex p Dew
Secretary of State for the Home Dept, R v, ex p Draz. *See* R v Secretary of State for the Home Dept, ex p Draz
Secretary of State for the Home Dept, R v, ex p Herbage (No 2). *See* R v Secretary of State for the Home Dept, ex p Herbage (No 2)
Secretary of State for the Home Dept, R v, ex p Northumbria Police Authority. *See* R v Secretary of State for the Home Dept, ex p Northumbria Police Authority
Secretary of State for the Home Dept, R v, ex p Ruddock. *See* R v Secretary of State for the Home Dept, ex p Ruddock
Secretary of State for the Home Dept, R v, ex p Turkoglu. *See* R v Secretary of State for the Home Dept, ex p Turkoglu
Secretary of State for the Home Dept, R v, ex p Ullah. *See* R v Secretary of State for the Home Dept, ex p Ullah
Secretary of State for the Home Dept, R v, ex p Yeboah. *See* R v Secretary of State for the Home Dept, ex p Yeboah
Secretary of State for Trade and Industry, Rudd v. *See* Rudd v Secretary of State for Trade and Industry
Secretary of State for Transport, R v, ex p Gwent CC. *See* R v Secretary of State for Transport, ex p Gwent CC
Secretary of State for Wales, R v, ex p Gilhaney. *See* R v Secretary of State for Wales, ex p Gilhaney
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Shearson Lehman Bros Inc v Maclaine Watson & Co Ltd [1987] **2** 181, CA
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Skinner, ex p, R v Newcastle upon Tyne City Justices. *See* R v Newcastle upon Tyne City Justices, ex p Skinner
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Smalley v Crown Court at Warwick [1985] **1** 769, HL
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Weston-super-Mare Justices, R v, ex p Shaw. *See* R v Weston-super-Mare Justices, ex p Shaw
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Law Reform (Miscellaneous Provisions) Act 1934
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Law Reform (Personal Injuries) Act 1948
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Misuse of Drugs Act 1971
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Newspapers, Printers and Reading Rooms Repeal Act 1869
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Contract for hire of plant—Owner of plant agreeing to hire excavator and driver to hirer—Conditions of hire providing that hirer alone to be responsible for claims arising in connection with operation of plant and that hirer required to indemnify owner in respect of such claims—Plaintiff bringing action and obtaining damages against owner in respect of driver's negligence while plant on hire to hirer—Whether conditions of hire excluding or restricting liability to plaintiff—Whether owner liable to plaintiff—Whether hirer required to indemnify owner—Unfair Contract Terms Act 1977, s 2(1)—Contractor's Plant Association Conditions, condition 8. **Thompson v T Lohan (Plant Hire) Ltd (J W Hurdiss Ltd, third party)** [1987] **2** 631, CA.

Surveyor—Surveyor making report to building society for mortgage application—Survey carried out negligently—Report containing disclaimer of responsibility—Purchaser relying on report—Surveyor knowing purchaser likely to rely on report—Whether fair and reasonable for surveyor to rely on disclaimer—Unfair Contract Terms Act 1977, ss 2(2), 11(3). **Smith v Eric S Bush (a firm)** [1987] **3** 179, CA.

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Performer—Performer dead—Defendants making film after death of actor—Defendants using clips and out-takes from actor's previous films without permission—Whether breach of performers' protection legislation giving rise to civil right of action—Whether contracts between defendants and actor permitting use of clips and out-takes in other films—Whether causes of action surviving actor's death and passing to personal representatives—Dramatic and Musical Performers' Protection Act 1958, s 2. **Rickless v United Artists Corp** [1987] **1** 679, CA.
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Oppression—Statement obtained by oppression—What amounts to 'oppression'—Police and Criminal Evidence Act 1984, s 76(2)(*a*). **R v Fulling** [1987] **2** 65, CA.

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Admissibility of confession. *See* **Criminal law** (Committal—Preliminary hearing before justices—Confession).

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Commission of offence by another relevant issue at trial of accused—Whether 'issue' limited to essential element of offence charged—Whether 'issue' having wider meaning—Whether plea of guilty amounting to 'conviction'—Police and Criminal Evidence Act 1984, ss 74(1), 78(1). **R v Robertson, R v Golder** [1987] **3** 231, CA.

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Admissibility—Whether photofit picture admissible in evidence—Whether admission of photofit picture contrary to hearsay rule. **R v Cook** [1987] **1** 1049, CA.

Photofit picture—

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Res gestae—

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Application—Evidence in support of application—Whether police required to produce in advance of hearing of application evidence they intend to rely on in support of application—Police and Criminal Evidence Act 1984, Sch 1, para 1. **R v Crown Court at Inner London Sessions, ex p Baines & Baines (a firm)** [1987] **3** 1025, QBD.

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Ingredients of offence—

Fraudulent conduct resulting in diverting money from public revenue—Defendant charging value added tax but failing to account for it—Whether positive act of deception required—Whether prosecution merely required to prove failure to account for tax—Whether fraudulent evasion of value added tax more appropriate offence to be charged—Theft Act 1968, s 32(1)(*a*)—Finance Act 1972, s 38(1). **R v Mavji** [1987] **2** 758, CA.

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Murder—

Whether defence of duress available to charge of murder—Whether any distinction to be drawn between principal in first degree and principal in second degree. **R v Howe** [1987] **1** 771, HL.

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Instrument purporting to be made by an existing person but he did not in fact exist—Withdrawal form of building society—Defendant opening building society account in name similar to that of payee of stolen cheque and paying cheque into account—Defendant subsequently withdrawing money from account by signing withdrawal form in name of account holder—Whether withdrawal form a 'false' instrument—Forgery and Counterfeiting Act 1981, ss 1, 9(1). **R v More** [1987] **3** 825, HL.

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Murder—
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Excessive force—Mistake—Police officer shooting and killing man he believed to be a dangerous gunman—Police officer honestly believing he had to fire in self-defence—Officer charged with murder—Prosecution alleging that officer did not have reasonable grounds for believing man to be armed and dangerous—Whether accused required to have reasonable belief or merely honest belief in mistaken facts when relying on self-defence. **Beckford v R** [1987] **3** 425, PC.

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Deception—
False representation—False inducement to be employed to do work—Appellants falsely claiming to be tree surgeons—Appellants inducing elderly widow to have trees cut down for payment—Whether appellants' deception operative cause of their obtaining payment from widow—Whether offence of obtaining property by deception established—Theft Act 1968, s 15(1). **R v King** [1987] **1** 547, CA.

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Privilege—

Legal professional privilege—

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Procuring execution of valuable security by deception—

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Acceptance of security—Acceptance—Stolen US social security orders handed to bank for clearing—Whether 'acceptance' having ordinary meaning of receiving or taking into possession—Whether 'acceptance' to be given proper commercial meaning—Whether receipt of orders by bank an 'acceptance'—Bills of Exchange Act 1882, s 17—Theft Act 1968, s 20(2). **R v Nanayakkara** [1987] **1** 650, CA.

Res gestae—

Statement made as part of res gestae—

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Road traffic offences. *See* **Road traffic**.

Self-defence—

Murder. *See* Murder—Self-defence, *ante*.

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Sex establishment—

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Distribution of court business—

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Allocation of business to Crown Court centres—Committals—Appeals under court's original civil jurisdiction—Transfer of proceedings—Allocation of business within the Crown Court—Allocation to court comprising lay justices—Transfer between circuits—Presiding judges' directions—Offences against the Person Act 1861, ss 18, 58—Official Secrets Act 1911, s 1—Geneva Conventions Act 1957, s 1—Theft Act 1968, s 8—Magistrates' Courts Act 1980, ss 6, 7—Forgery and Counterfeiting Act 1981—Supreme Court Act 1981, ss 74, 75, 76. **Practice Direction** [1987] **3** 1064.

Supervisory jurisdiction of High Court—

Trial on indictment—

High Court having no jurisdiction in matters relating to trial on indictment—Relating to trial on indictment—Legal aid contribution order—Contribution order made prior to trial—Whether legal aid contribution order a 'matter relating to trial on indictment'—Whether High Court having jurisdiction to review order—Whether decision by Crown Court at end of trial indictment remitting sum payable under contribution order a 'matter relating to trial on indictment'—Whether High Court having jurisdiction to review decision—Supreme Court Act 1981, s 29(3)—Legal Aid Act 1982, ss 7(1), 8(5). **Sampson v Crown Court at Croydon** [1987] **1** 609, HL.

High Court having no jurisdiction in matters relating to trial on indictment—Relating to trial on indictment—Legal aid contribution order made prior to 1982—Whether legal aid contribution order made prior to 1982 a 'matter relating to trial on indictment'—Whether High Court having jurisdiction to review order—Legal Aid Act 1974, s 32—Supreme Court Act 1981, s 29(3). **Sampson v Crown Court at Croydon** [1987] **1** 609, HL.

High Court having no supervisory jurisdiction in matters relating to trial on indictment—Relating to trial on indictment—Forfeiture order following conviction for drug offence—Whether forfeiture order a 'matter relating to trial on indictment'—Whether High Court having jurisdiction to hear application for certiorari to quash order—Supreme Court Act 1981, s 29(3). **R v Crown Court at Maidstone, ex p Gill** [1987] **1** 129, QBD.

CROWN OFFICE LIST

Practice—

Generally. *See* **Practice** (Crown Office list).

CUSTOMS AND EXCISE

Armed with offensive weapon—

Armed—

Whether 'armed' meaning physically carrying arms or having them available—Whether prosecution required to prove intent to use weapon—Customs and Excise Management Act 1979, s 86. **R v Jones (Keith Desmond)** [1987] **2** 692, CA.

Smuggling—

Armed with offensive weapon. *See* Armed with offensive weapon, *ante*.

DAMAGE

Criminal. *See* **Criminal law** (Damage to property).

DAMAGES

Breach of contract—

Contract of hiring. *See* **Hire** (Damages for breach of contract of hiring).

Sale of land. *See* **Sale of land** (Damages for breach of contract).

Currency exchange loss—

Damages arising from late payment of demurrage. *See* **Shipping** (Demurrage—Late payment—Payment in sterling—Currency exchange loss).

Hire—

Measure of damages for breach of contract of hiring. *See* **Hire** (Damages for breach of contract of hiring).

Interest—

Generally. *See* **Interest** (Damages).

Interim payment—

Jurisdiction to order interim payment—

Alternative claims in debt and damages. *See* **Practice** (Pre-trial relief—Interim payment—Jurisdiction to order interim payment—Alternative claims in debt and damages).

Late payment of money, for—

Currency exchange loss—

Late payment of demurrage. *See* **Shipping** (Demurrage—Late payment—Payment in sterling—Currency exchange loss).

Measure of damages—

Personal injury. *See* Personal injury, *post*.

Sale of land—

Breach of contract. *See* **Sale of land** (Damages for breach of contract—Measure of damages).

Multiplier—

Personal injury—

Loss of future earnings. *See* Personal injury—Loss of future earnings—Multiplier, *post*.

Negligence—

Personal injury. *See* Personal injury, *post*.

Solicitor. *See* **Solicitor** (Negligence—Damages).

Personal injury—

Divorce—

Divorce caused by injury—Loss arising from plaintiff's liability in divorce proceedings to make financial provision for spouse and children—Plaintiff severely injured as result of defendant's negligence—Plaintiff's marriage breaking up because of his injuries—Order in divorce proceedings requiring plaintiff to make periodical payments to wife and children—Whether financial orders in matrimonial proceedings representing 'loss' to plaintiff—Whether court should refuse to make award for loss consequent on break-up of marriage as matter of policy or as indirect economic loss. **Pritchard v JH Cobden Ltd** [1987] **1** 300, CA.

DAMAGES (cont)
Personal injury (cont)—
Loss of chance of better medical result—
Increased chance of adverse medical result developing—Hospital's breach of duty—Plaintiff injured and having 75 per cent chance of a permanent disability developing—Hospital wrongly diagnosing injury for five days—Wrong diagnosis making permanent disability inevitable—Whether plaintiff entitled to damages for loss of 25 per cent chance of full recovery. **Hotson v East Berkshire Area Health Authority** [1987] **1** 210, CA.
Loss of earnings—
Deduction of long-term sickness benefit payable under contract of employment—Employer insuring against contractual liability to pay long-term sickness benefit—Whether long-term sickness benefit in the nature of earnings and therefore to be brought into account in assessing damages—Whether benefit to be treated as proceeds of private insurance and thus not deductible from damages—Whether immediate ex gratia payment by employer to injured employee should be brought into account in assessing damages. **Hussain v New Taplow Paper Mills Ltd** [1987] **1** 417, CA.
Deduction of social security benefits accruing to injured person—One-half of value of benefits accruing for five years after accrual of cause of action to be deducted from damages—Whether value of benefits accruing after expiry of five-year period deductible from damages—Law Reform (Personal Injuries) Act 1948, s 2(1). **Jackman v Corbett** [1987] **2** 699, CA.
Pension contributions—Miner absent on sick leave for 31 weeks—Miner not receiving pay and not paying employee's pension contributions for part of that period—Miner's pension rights not affected—Whether amount of contributions to be included in damages for loss of earnings. **Dews v National Coal Board** [1987] **2** 545, HL.
Loss of future earnings—
Multiplier—Date at which multiplier to be calculated—Whether multiplier to be calculated at date of trial or date of accident. **Pritchard v JH Cobden Ltd** [1987] **1** 300, CA.
Multiplier—Effect of taxation on award—Higher rate of tax payable on income of large award—Whether multiplier can be increased to allow for higher tax payable on income of large award **Thomas v Wignall** [1987] **1** 1185, CA.
Nervous shock—
Psychiatric damage. *See* Personal injury—Psychiatric damage, *ante*.
Psychiatric damage—
Nervous shock caused by damage to property—Plaintiff suffering nervous shock caused by seeing her house on fire—Fire caused by defendants' negligence—Whether defendants liable for plaintiff's psychiatric damage. **Attia v British Gas plc** [1987] **3** 455, CA.
Psychiatric damage. *See* Personal injury—Pshchiatric damage, *post*.
Sale of land—
Breach of contract. *See* **Sale of land** (Damages for breach of contract).
Solicitor—
Negligence. *See* **Solicitor** (Negligence—Damages).
Special damages—
Currency exchange loss—
Damages arising from late payment of money—Demurrage. *See* **Shipping** (Demurrage—Late payment—Payment in sterling—Currency exchange loss).
Undertaking as to damages—
Condition of grant of interlocutory injunction. *See* **Injunction** (Interlocutory—Undertaking as to damages).

DEBT
Judgment debt—
Discovery in aid of execution—
Examination of judgment debtor. *See* **Execution** (Discovery in aid of execution—Examination of judgment debtor).

DECEIT
Confession obtained by—
Admissibility. *See* **Criminal evidence** (Admissions and confessions—Confession—Confession obtained by deceit).

DECEPTION
Obtaining property by deception. *See* **Criminal law** (Obtaining property by deception).
Procuring execution of valuable security by deception. *See* **Criminal law** (Procuring execution of valuable security by deception).

DECREE
Foreign decree—
Recognition—
Divorce. *See* **Divorce** (Foreign decree—Recognition by English court).

DEFAMATION
Generally. *See* **Libel and slander**.
Trial by jury—
Practice—
Libel. *See* **Practice** (Trial—Trial by jury—Libel).

DEFECTIVE EQUIPMENT
Employer's liability. *See* **Employment** (Liability of master—Defective equipment).

DEFENCE
Limitation of action—
Accrued defence. *See* **Limitation of action** (Accrued defence).

DEGREE
University—
Refusal to award degree—
Jurisdiction of visitor to intervene. *See* **University** (Visitor—Jurisdiction—Refusal by university to award degree).

DEMANDING MONEY WITH MENACES
See **Criminal law** (Demanding money with menaces).

DEMURRAGE
Generally. *See* **Shipping**.

DENTIST
Professional misconduct—
Erasure from register—
Charge of professional misconduct—Whether infamous or disgraceful conduct in a professional respect required to be proved—Whether dentists name can be erased from register for professional misconduct even though conduct not dishonest—Whether failure satisfactorily to complete treatment encompassing administering unnecessary treatment—Dentists Act 1957, s 25(1). **Doughty v General Dental Council** [1987] **3** 843, PC.

DEPENDANT
Immigrant—
Dependent parent—
Admission to United Kingdom. *See* **Immigration** (Leave to enter—Dependent parents).

DEPORTATION
Immigrant—
Appeal. *See* **Immigration** (Appeal—Deportation).

DEPOSIT
Deposit-taking business—
Bank. *See* **Bank** (Deposit-taking business).

DETENTION
Children and young persons. *See* **Children and young persons** (Detention).

DEVELOPMENT LAND TAX
Tax avoidance scheme—
Composite transactions—
Preordained series of transactions—Taxpayer company wishing to sell land—Taxpayer company first fragmenting ownership of land among five other companies in same group in order to utilise tax exemptions available to each—Purchaser ending negotiations before sale agreed—Purchaser resuming negotiations some months later after change of circumstances—Purchase completed on terms different from those previously proposed—Whether series of transactions to be treated as single composite transaction—Whether taxpayer company liable for development land tax. **Craven (Inspector of Taxes) v White, Inland Revenue Comrs v Bowater Property Developments Ltd, Baylis (Inspector of Taxes) v Gregory** [1987] **3** 27, CA.

DISCLAIMER
Trade description—
False trade description—
Application in course of trade or business. *See* **Trade description** (False trade description—Application in course of trade or business—Disclaimer of false trade description).

DISCOVERY
Discovery against parties to proceedings—
Discovery for purpose of identifying other parties—
Identification of wrongdoers—Defendant a mere witness—Interrogatory—Libel action—Plaintiff seeking to compel defendant to answer interrogatories concerning identity of publishers and printers of newspaper—Defendant having knowledge of identities but not involved in publication—Whether defendant compellable to disclose information. **Ricci v Chow** [1987] **3** 534, CA.
Discovery against persons not parties to proceedings—
Claim in respect of personal injuries or death—
Production of documents such as medical records—Production of documents such as medical records—Whether production must be necessary for fair disposal of action or to save costs—Whether strong case must be made out that impossible or impracticable to conduct action without seeing documents—Administration of Justice Act 1970, s 32(1)—Supreme Court Act 1981, s 34(2)—RSC Ord 24, r 13(1)—RSC (Northern Ireland) (Revision) 1980, Ord 24, r 12(1). **O'Sullivan v Herdmans Ltd** [1987] **3** 129, HL.
Execution—
Discovery in aid of execution. *See* **Execution** (Discovery in aid of execution).
Legal professional privilege—
Communication between defendant and insurers—
Dominant purpose for which document coming into existence—Defendant receiving notice of claim from plaintiffs—Defendant notifying insurers of claim—Defendant required under terms of indemnity policy to notify insurers of claim—Whether defendant writing to insurers to fulfil policy requirements or to enable legal advice to be obtained to defend claim—Whether letter to insurers privileged. **Guinness Peat Properties Ltd v Fitzroy Robinson Partnership (a firm)** [1987] **2** 716, CA.
Mareva injunction—
Discovery or interrogatory in aid of injunction. *See* **Practice** (Pre-trial relief—Mareva injunction—Discovery or interrogatory in aid of injunction).
Personal injuries action—
Discovery against person not a party to proceedings. *See* Discovery against persons not parties to proceedings—Claim in respect of personal injuries or death, *ante*.
Production of documents—
Affidavit—
Documents referred to in affidavit—Documents not in possession, custody or power of deponent—Whether court having jurisdiction to order production—RSC Ord 24, r 11(1). **Rafidain Bank v Agom Universal Sugar Trading Co Ltd** [1987] **3** 859, CA.

DISCOVERY (cont)

Production of documents (cont)—

Inspection—

Inspection by person unconnected with proceedings—Collateral use of information obtained—Undertakings not to make improper use of disclosed documents—Plaintiffs claiming against defendants in respect of injurious effects of defendants' drug—Numerous claims of similar nature arising out of use of drug—Plaintiffs' solicitors appointing medical journalist as adviser to co-ordinate documentation of claims—Plaintiffs' solicitors appointing journalist to undertake inspection of defendants' documents disclosed on discovery—Defendants objecting to inspection by journalist on ground that he might use documents for collateral purpose—Whether court should permit plaintiffs' solicitors' adviser to inspect defendants' documents—RSC Ord 24, r 9. **Davies v Eli Lilly & Co** [1987] **1** 801, CA.

Production before commencement of proceedings—

Inspection of property which may become subject matter of subsequent proceedings—Prospective libel action—Document alleged to be defamatory—Application to inspect document before issue of writ—Whether application to obtain discovery of 'document' or application to inspect 'property'—Supreme Court Act 1981, s 33(1)(*a*)(2). **Huddleston v Control Risks Information Services Ltd** [1987] **2** 1035, QBD.

DISCRETIONARY TRUST

Income tax. *See* **Income tax** (Settlement—Discretionary trust).

DISMISSAL

Academic staff—

University. *See* **University** (Academic staff—Dismissal).

Unfair dismissal. *See* **Unfair dismissal**.

DISTRICT AUDITOR

Local government audit—

Surcharge—

Powers and duties of auditor. *See* **Local government** (Audit—Surcharge).

DIVORCE

Ancillary relief—

Costs—

Generally. *See* Costs—Ancillary proceedings, *post*.

Gross sum in lieu of taxed costs. *See* **Costs** (Gross sum in lieu of taxed costs—Award reflecting conduct of party—Divorce—Ancillary proceedings).

Financial provision. *See* Financial provision, *post*.

Costs—

Ancillary proceedings—

Gross sum in lieu of taxed costs. *See* **Costs** (Gross sum in lieu of taxed costs—Award reflecting conduct of party—Divorce—Ancillary proceedings).

Decree—

Foreign decree. *See* Foreign decree, *post*.

Financial provision—

Application—

Investigation by registrar—Extent of registrar's jurisdiction—Questionnaire as to means—Ancillary proceedings settled by consent order 'in full and final settlement' of all claims—Wife subsequently serving questionnaire as to means on husband—Husband refusing to answer—Whether ancillary proceedings at an end—Whether registrar having jurisdiction to order husband to answer questionnaire—Matrimonial Causes Rules 1977, r 77(4). **H v B (formerly H)** [1987] **1** 766, FamD.

Locus standi—Maintaining spouse—Maintenance agreement in force between spouses—Application by maintaining spouse for order against himself for periodical payments in favour of maintained spouse—Whether concept of ancillary relief wide enough to permit application to be made by spouse who will not gain direct financial benefit from order—Whether court should make such order. **Simister v Simister** [1987] **1** 233, FamD

Conduct of parties—

Duty of court to have regard to conduct—Conduct such that it would be inequitable to disregard it—Wife assisting husband's suicide attempts—Wife standing to gain whole of husband's estate if attempts successful—Wife associating with another man unknown to husband—Whether wife's conduct such that it would be inequitable to disregard it—Matrimonial Causes Act 1973, s 25(2)(*g*). **Kyte v Kyte** [1987] **3** 1041, CA.

Matters to be considered by court when making order—

Conduct of parties. *See* Financial provision—Conduct of parties, *ante*.

Order—

Order following decree—Jurisdiction—Foreign decree—Legislation giving court power to order financial relief in England and Wales after overseas divorce etc—Whether legislation having retrospective effect—Whether court having power to grant financial relief in cases where overseas divorce etc pronounced before legislation in force—Matrimonial and Family Proceedings Act 1984, s 12(1). **Chebaro v Chebaro** [1987] **1** 999, CA.

Periodical payments—

Termination—Duty of court to consider question of termination of financial dependence—Welfare of children 'first consideration'—Whether 'first' meaning 'paramount' or 'overriding'—Whether court having jurisdiction to terminate financial dependence when there are minor children—Matrimonial Causes Act 1973, ss 25, 25A. **Suter v Suter and Jones** [1987] **2** 336, CA.

Termination—Wife cohabiting with another man—Whether court can take into consideration wife's cohabitation in exercising its power to vary periodical payments order. **Atkinson v Atkinson** [1987] **3** 849, CA.

DIVORCE (cont)
Financial provision (cont)—
Variation of order—
Appeal—Appeal out of time—Leave to appeal—Death of spouse—Order made in full and final settlement of all claims—Death of wife before execution of order—Husband applying for leave to appeal against order—Whether jurisdiction to grant leave to appeal—Whether death of party causing abatement of divorce suit—Law Reform (Miscellaneous Provisions) Act 1934, s 1(1)—CCR Ord 13, r 4—Matrimonial Causes Rules 1977, r 124(1). **Barder v Barder (Caluori intervening)** [1987] **2** 440, HL.
Jurisdiction—No jurisdiction where final order made—Consent order incorporating terms agreed between spouses—Wife applying for variation of consent order—Whether jurisdiction to entertain application—Matrimonial Causes Act 1973, ss 23(1), 24(1). **Dinch v Dinch** [1987] **1** 818, HL.
Periodical payment order increased and back dated—Whether judge empowered to back date increase—Whether proper exercise of judge's discretion—Matrimonial Causes Act 1973, s 31. **S v S** [1987] **2** 312, CA.
Quantum—Discretion—Husband objecting to quantum of increased periodical payment order—Whether increase within judge's discretion. **S v S** [1987] **2** 312, CA.
Foreign decree—
Financial provision—
Jurisdiction of English court. *See* Financial provision—Order—Order following decree—Jurisdiction—Foreign decree, *ante*.
Recognition by English court—
Recognition of foreign judgment—Judgment conclusive between the parties—Jewish get divorce obtained in London—'Judgment of confirmation' by rabbinical court in Israel—Whether Jewish get divorce capable of recognition by English court—Whether statutory provisions relating to reciprocal enforcement of foreign judgments applying to judgments of marital status—Whether Jewish get an extra-judicial proceeding—Foreign Judgments (Reciprocal Enforcement) Act 1933, s 8(1)—Domicile and Matrimonial Proceedings Act 1973, s 16(1). **Maples (formerly Melamud) v Maples, Maples v Melamud** [1987] **3** 188, FamD.
Periodical payments. *See* Financial provision—Periodical payments, *ante*.
Practice—
Stay of proceedings—
Discretionary stay—Balance of fairness and convenience—Appropriate forum—Forum in which case can be tried more suitably for parties' interests and ends of justice—Concurrent divorce proceedings in England and France—Husband and wife French nationals having little or no connection with England—Wife likely to obtain greater ancillary relief in England than in France—Whether English proceedings should be stayed—Domicile and Matrimonial Proceedings Act 1973, s 5(6), Sch 1, para 9. **de Dampierre v de Dampierre** [1987] **2** 1, HL.
Property—
Adjustment order—
Transfer of property—Application for property adjustment order in respect of matrimonial home—Wife registering claim for ancillary relief as pending action—Husband obtaining loan from bank secured by first charge on matrimonial home—Bank not searching land charges register—Whether wife's application for property adjustment order having priority over bank's charge—Land Charges Act 1972, s 5—Matrimonial Causes Act 1973, ss 24(1), 37. **Perez-Adamson v Perez-Rivas (Barclays Bank plc, third party)** [1987] **3** 20, CA.
Transfer of property—
Order. *See* Property—Adjustment order—Transfer of property, *ante*.
Variation of order for financial provision. *See* Financial provision—Variation of order, *ante*.

DOCTOR
Generally. *See* **Medical practitioner**.

DOCUMENT
Admissibility in evidence—
Admission of documentary statement without calling maker—
Person beyond the seas—Beyond the seas—Whether person in Guernsey 'beyond the seas'—Civil Evidence Act 1968, s 8(2). **Rover International Ltd v Cannon Film Sales Ltd (No 2)** [1987] **3** 986, ChD.
Construction—
Statute. *See* **Statute** (Construction).
Discovery of documents. *See* **Discovery**.
Production—
Criminal proceedings—
Legal professional privilege. *See* **Privilege** (Legal professional privilege—Documents—Criminal proceedings).
Generally. *See* **Discovery**.

DOMESTIC TRIBUNAL
Natural justice. *See* **Natural justice** (Domestic tribunal).
Trade union. *See* **Trade union** (Domestic tribunal).

DRINK
Driving while unfit. *See* **Road traffic** (Driving while unfit through drink or drugs).

DRUGS
Controlled drugs—
Possession with intent to supply—
Supply—Defendant in temporary possession of drug—Defendant holding drug for owner and intending to return it to owner in due course—Whether intention to 'supply' drug to owner—Whether necessary that transfer of physical control from one person to another be for purposes of that other—Misuse of Drugs Act 1971, s 5(3). **R v Maginnis** [1987] **1** 907, HL.
Unlawful possession—
Exceptions to prohibition against possession—Burden of proof—Prosecution not adducing evidence that defendant did not fall within exception to prohibition against possession—Whether burden of proof lying on prosecution or defendant to establish that defendant falling within exception—Misuse of Drugs Regulations 1973, Sch 1, para 3. **R v Hunt** [1987] **1** 1, HL.

DRUGS (cont)
Driving while unfit through drugs. *See* **Road traffic** (Driving while unfit through drink or drugs).

DURESS
Defence to criminal charge. *See* **Criminal law** (Duress as a defence).

DUST
Asbestos dust in factory. *See* **Factory** (Dust—Asbestos dust).

DUTY OF CARE
Negligence. *See* **Negligence** (Duty to take care).

EARNINGS
Loss—
Damages—
Personal injuries cases. *See* **Damages** (Personal injury—Loss of earnings).

ECCLESIASTICAL LAW
Alterations to church—
Faculty. *See* Faculty—Alterations to church, *post*.
Church—
Disposal of contents—
Acquisition of goods coming from church—Necessity for person acquiring goods coming from church to satisfy himself that person selling goods having authority to do so. **Re St Mary's, Barton-on-Humber** [1987] **2** 861, Con Ct.
Disposal without faculty—Effect of disposal of item without faculty—Legal title to item—Disposal without faculty ineffectual to pass legal title to item. **Re St Mary's, Barton-on-Humber** [1987] **2** 861, Con Ct.
Insignificant items—De minimis transactions not requiring faculty—Need to obtain approval of parochial church council. **Re St Mary's, Barton-on-Humber** [1987] **2** 861, Con Ct.
Faculty—
Alterations to church—
Church listed as being of special architectural or historic interest—Restriction on alterations to listed buildings not applying to ecclesiastical buildings—Whether fact of listing relevant in considering whether to allow alterations. **Re St Mary's, Banbury** [1987] **1** 247, Arches Ct.
Church listed as being of special architectural or historic interest—Restriction on alterations to listed buildings not applying to ecclesiastical buildings—Whether fact of listing relevant in considering whether to allow alterations—Whether different standards applying to ecclesiastical and secular buildings. **Re St Stephen Walbrook** [1987] **2** 578, CECR.
Confirmatory faculty—
Availability of remedy—Disposal of contents of church without faculty—Confirmatory faculty to legalise what had been done without faculty—Matters to be considered before granting confirmatory faculty—Whether confirmatory faculty should be refused merely because petitioners had acted illegally if other circumstances justifying grant of relief. **Re St Mary's, Barton-on-Humber** [1987] **2** 861, Con Ct.
Evidence—
Alterations to historic church—Necessity for evidence from Department of the Environment, local planning authority and relevant architectural and historical bodies—Form of evidence—Need to amend rules to allow reception of such evidence—Faculty Jurisdiction Rules 1967. **Re St Mary's, Banbury** [1987] **1** 247, Arches Ct.
Pews—
Removal of pews—Pews allotted to particular parishioners—Extent of allottees' interest in pews allotted—Act for rebuilding parish church providing for pews to be sold and disposed of—Freehold of church vested in incumbent—Petition for faculty to remove pews from nave and replace them with chairs—Whether successors in title to allottees of numbered pews entitled to insist that pews remain in nave—Whether successors in title having freehold interest in pews and soil thereunder—Whether right of access to pews and to exclusive use of pews for worship preventing grant of faculty to remove pews. **Re St Mary's, Banbury** [1987] **1** 247, Arches Ct
Reordering of church—
Conflicting claims of worship and conservation—Circumstances in which reordering should normally be allowed—Guidelines on how court will balance conflicting interests. **Re St Mary's, Banbury** [1987] **1** 247, Arches Ct.
Holy table—
Quality of holy table—
Movability and material out of which table made—Marble sculpture—Sculpture not resembling domestic table—Sculpture convenient and decent—Whether sculpture capable of being a table—Whether faculty should be granted for installation of sculpture into church—Revised Canons Ecclesiastical, Canon F2. **Re St Stephen Walbrook** [1987] **2** 578, CECR.
Pews—
Removal of pews—
Faculty. *See* Faculty—Pews—Removal of pews, *ante*.
Reordering of church—
Faculty. *See* Faculty—Reordering of church, *ante*.

EDUCATION
Maintenance. *See* **Minor** (Maintenance—Education or training).
Special educational needs—
Wardship—
Jurisdiction of court over ward with special educational needs—Intervention by court—Duty of local education authority to determine special educational needs—Conflict between wardship jurisdiction and education authority's duty—When court should intervene—Education Act 1981, ss 5, 7. **Re D (a minor)** [1987] **3** 717, CA.
University. *See* **University**.
Ward of court—
Ward with special educational needs—
Jurisdiction of court over ward with special educational needs. *See* Special educational needs—Wardship, *ante*.

EMBASSY

Internal embassy document—

Privilege—

Libel and slander. *See* **Libel and slander** (Privilege—Absolute privilege—Communications between officials of foreign government—Internal embassy document).

EMOLUMENTS

Income tax. *See* **Income tax** (Emoluments from office or employment).

EMPLOYMENT

Academic staff—

University. *See* **University** (Academic staff).

Continuity—

Period of continuous employment—

Temporary cessation of work—Calculation of hours worked per week by employee—Employment under series of concurrent but separate contracts with intervals between separate contracts—Whether employment which is not pursuant to contracts in same series relevant in determining whether interval between separate contracts merely 'temporary cessation of work'—Employment Protection (Consolidation) Act 1978, Sch 13, para 9(1)(*b*). **Surrey CC v Lewis** [1987] **3** 641, HL.

Defective equipment—

Employer's liability. *See* Liability of master—Defective equipment, *post*.

Dismissal—

Academic staff—

University. *See* **University** (Academic staff—Dismissal).

Unfair dismissal. *See* **Unfair dismissal.**

Duty of master—

Safety of employees—

Common law duty to protect employee from risk of danger at place of work—Liability for negligence of third party—Employee employed in dredging operations—Employer in joint enterprise with third party—Employee injured while working on third party's tug under control of third party's employee—Whether employer can delegate duty to devise safe system of work and its operation—Whether employer liable for negligence of third party's employee. **McDermid v Nash Dredging and Reclamation Co Ltd** [1987] **2** 878, HL.

Emoluments—

Income tax. *See* **Income tax** (Emoluments from office or employment).

Equality of treatment of men and women—

Equal pay for equal work—

Equal pay for work of equal value—Inequality of pay—Female employee employed as warehouse operative—Female employee's work of equal value to that of male warehouse checker—Female employee paid less than male checker but the same as male operative engaged on like work—Whether woman entitled to equal pay for work of equal value when a man was paid the same as her for like work—Whether EEC equality provisions having direct application in United Kingdom—Equal Pay Act 1970, s 1(2)—EEC Treaty, art 119—EC Council Directive 75/117, art 1. **Pickstone v Freemans plc** [1987] **3** 756, CA.

Pay—Inequality of specific terms and conditions—Applicant employed as cook in shipyard—Applicant's work of equal value to male shipyard workers—Applicant paid less than male comparators—Whether equality provisions applying to terms and conditions as a whole or to specific terms—Whether female employee entitled to equality of particular term or condition of employment—Equal Pay Act 1970, s 1(2)—EEC Treaty, art 119. **Hayward v Cammell Laird Shipbuilders Ltd** [1987] **2** 344, CA.

Variation between woman's and man's contracts due to material difference other than sex—

Material difference—Circumstances to be considered—Employers forced to recruit particular employees at higher wage than other employees having similar qualifications and experience—Recruited employees all men—Whether circumstances in which recruited employees employed relevant—Whether 'material difference' relating only to personal circumstances or qualities of employees—Whether economic factors affecting efficient running of employer's business relevant—Equal Pay Act 1970, s 1(3). **Rainey v Greater Glasgow Health Board** [1987] **1** 65, HL.

Factory. *See* **Factory**.

Health and safety at work. *See* **Health and safety at work.**

Income tax—

Emoluments from office or employment. *See* **Income tax** (Emoluments from office or employment).

Liability of master—

Defective equipment—

Shipping—Whether 'equipment' including ship—Employer's Liability (Defective Equipment) Act 1969, s 1(1)(3). **Coltman v Bibby Tankers Ltd, The Derbyshire** [1987] **3** 1068, HL.

Pay—

Equality of treatment of men and women. *See* Equality of treatment of men and women, *ante*.

Generally. *See* Remuneration, *post*.

Redundancy. *See* **Redundancy.**

Reference—

Character reference by employer—

Duty of employer to take care. *See* **Negligence** (Duty to take care—Employer—Character reference given by employer on former employee).

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Disclosure of confidential information—Refusal to disclose confidential information to affected party—Commission receiving submission from bidder in course of contested take-over bid—Commission not divulging information from bidder to company bid for—Whether commission acting fairly—Whether commission entitled to withhold information from company bid for. **R v Monopolies and Mergers Commission, ex p Matthew Brown plc** [1987] **1** 463, QBD.

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Likelihood that mortgagor will be able to pay sums due within reasonable period—Counterclaim—Whether court entitled to consider mortgagor's counterclaim in exercising discretion to postpone order for possession—Administration of Justice Act 1970, s 36. **Citibank Trust Ltd v Ayivor** [1987] **3** 241, ChD.

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Enhancement of existing risk—Plaintiff hit by two cars while crossing road—Both drivers negligent—Whether second defendant liable to plaintiff when plaintiff cannot establish whether and to what extent second driver's negligence caused or contributed to plaintiff's injuries. **Fitzgerald v Lane** [1987] **2** 455, CA.

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Contribution—Road accident—Plaintiff hit by two cars while crossing road—All three parties equally to blame—Whether defendants to be considered separately or collectively when apportioning liability—Whether plaintiff entitled to half or two-thirds of amount awarded—Law Reform (Contributory Negligence) Act 1945, s 1(1). **Fitzgerald v Lane** [1987] **2** 455, CA.

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Insurer—

Duty owed by insurer to insured—Banks making loans to companies guaranteed by credit insurance policies arranged by broker—Broker's employee dishonestly issuing cover notes when part of cover missing—Banks lending large sums in reliance on cover notes—Insurers aware of broker's employee's deception—Whether insurers owing duty of care to disclose broker's employee's deception to banks. **Banque Keyser Ullmann SA v Skandia (UK) Insurance Co Ltd** [1987] **2** 923, QBD.

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Attendance inside football club's ground necessary to maintain law and order and protect life and property—Chief constable needing to use off-duty officers to police club's matches—Large overtime payment necessary—Whether attendance of police at club's matches constituting 'special police services'—Whether police attendance at matches merely part of police's public duty to maintain law and order—Whether club required to pay for attendance of police—Whether club impliedly requesting special police services—Police Act 1964, s 15(1). **Harris v Sheffield United Football Club Ltd** [1987] **2** 838, CA.
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Stated purpose not materially different from purpose for which the goods commonly bought—Whether condition as to fitness for purpose different from condition as to merchantable quality—Sale of Goods Act 1979, s 14(3). **Aswan Engineering Establishment Co v Lupdine Ltd (Thurgar Bolle Ltd, third party)** [1987] **1** 135, CA.

Implied condition as to merchantable quality—

Merchantable quality—

New car—Major breakdown after three weeks and 140 miles—Car repaired as 'good as new' under manufacturers' warranty—Buyer refusing to accept return of car—Whether car when originally delivered of merchantable quality—Sale of Goods Act 1979, s 14(2)(6). **Bernstein v Pamson Motors (Golders Green) Ltd** [1987] **2** 220, QBD.

New car—Car suffering from series of defects—Car repaired under manufacturers' warranty—Car still rejected by purchaser after five months' use and 5,500 miles—Whether car of merchantable quality—Whether existence of manufacturers' warranty relevant—Unfair Contract Terms Act 1977, s 6(2)—Sale of Goods Act 1979, s 14(2)(6). **Rogers v Parish (Scarborough) Ltd** [1987] **2** 232, CA.

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Purpose for which goods might reasonably be expected to be used—Whether goods required to be suitable for every purpose for which they were normally bought—Sale of Goods Act 1979, s 14(6). **Aswan Engineering Establishment Co v Lupdine Ltd (Thurgar Bolle Ltd, third party)** [1987] **1** 135, CA.

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Transfer of title—

Owner giving seller documents enabling seller to represent himself as owner—

Seller agreeing to sell car to plaintiffs—Plaintiffs paying by banker's draft—Bank refusing to cash draft—Seller disappearing—Bank reimbursing plaintiffs—Plaintiffs claiming title to car—Whether seller had bought or agreed to buy car from owner—Whether owner precluded by conduct from denying seller's authority to sell if merely an agreement to sell and no actual sale—Sale of Goods Act 1979, ss 2(5), 21, 25. **Shaw v Comr of Police of the Metropolis (Natalegawa, claimant)** [1987] **3** 405, CA.

SALE OF LAND

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Reference to plan—Conveyance of land edged with red on plan—Land edged red mistakenly including land to which vendor had no title—Inference to be drawn from plan—Whether conveyance including land to which vendor had no title. **A J Dunning & Sons (Shopfitters) Ltd v Sykes & Son (Poole) Ltd** [1987] **1** 700, CA.

Reference to plan—Right of way—Way over and along 'private road'—Road not defined in conveyance—Road constructed pursuant to planning permission—Planning permission requiring road to consist of 13-foot carriageway and 3-foot verges—Whether court entitled to refer to plan and planning permission in construing conveyance—Whether road including carriageway and verges. **Scott v Martin** [1987] **2** 813, CA.

Damages for breach of contract—

Breach of covenant to carry out remedial work prior to sale—

Remedial works required by covenant not sufficient to prevent damage—Vendor contracting to sell house with patio on top of cellar—Water penetrating cellar from patio and surrounding ground—Vendor covenanting to waterproof patio—Vendor failing to carry out work—Waterproofing patio only capable of preventing 70 per cent of water penetrating cellar—Whether purchaser entitled to substantial or merely nominal damages. **Dean v Ainley** [1987] **3** 748, CA.

Measure of damages—

Breach of covenant—Breach not causing damage—Damages serving no useful purpose—Water penetrating cellar from patio and surrounding earth—Vendor covenanting to waterproof patio—Vendor failing to carry out work—Waterproofing patio only capable of preventing 70 per cent of water penetrating cellar—Whether award of damages serving any useful purpose—Whether purchaser entitled to damages—Whether purchaser required to expend any damages awarded on remedial work. **Dean v Ainley** [1987] **3** 748, CA.

Vendor's inability to show good title—

Limitation on damages if vendor's inability to show good title not attributable to his default—Contract for purchase of farm with vacant possession on completion—Farm occupied by persons as business tenants—Vendor failing to serve notice terminating tenancy—Vendor failing to take proceedings against tenants—Whether vendor doing all he reasonably could to get vacant possession—Whether damages to be assessed in accordance with general law—Whether purchaser entitled to damages for loss of profits—Whether purchaser's damages limited to expenses incurred in abortive sale. **Sharneyford Supplies Ltd v Edge (Barrington Black Austin & Co (a firm), third party)** [1987] **1** 588, CA.

Rescission of contract—

Contract for sale of leasehold interest—

Purchaser entitled to rescind if reversioner's licence to assign 'cannot be obtained'—Vendor unable to obtain licence because of purchaser's fault—Vendor purporting to rescind contract—Whether right to rescind arising on contractual date for completion—Whether question whether licence 'cannot be obtained' a question of fact—National Conditions of Sale (20th edn), condition 11(5). **29 Equities Ltd v Bank Leumi (UK) Ltd** [1987] **1** 107, CA.

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Disclosure of defect—Local land charge—Notice of charge—Purchaser deemed to have made searches and inquiries—Contract at auction for purchase of freehold property—Property subject to local land charge—Contract containing condition that purchaser deemed to have searched local land charges register—Purchaser failing to make search and unaware of local land charge—Vendor serving notice to complete—Whether vendor able to show good title—Whether vendor required to make full and frank disclosure of incumbrance—Whether purchaser deemed to have notice of land charge—Law of Property Act 1925, s 198(1)—National Conditions of Sale (20th edn), condition 11. **Rignall Developments Ltd v Halil** [1987] **3** 170, ChD.
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Claim in the nature of salvage. *See* **Admiralty** (Jurisdiction—Action in rem—Claim in the nature of salvage).

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SECURE TENANCY
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SECURITY FOR COSTS
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SECURITY OF TENURE
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Prevention of disclosure of confidential information—
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Fraud on the public purse—
Obtaining welfare benefits by fraud—
Guidelines on appropriate sentences. **R v Stewart** [1987] **2** 383, CA.
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Bankruptcy. *See* **Bankruptcy** (Statutory demand—Service—Substituted service).
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SEX DISCRIMINATION
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SEX ESTABLISHMENT
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SEXUAL OFFENCE
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Commencement of lay days—
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Demurrage—
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Payment in sterling—Currency exchange loss—Damages arising from late payment of demurrage—Charterparty providing for demurrage to be calculated in US dollars but paid in sterling—Dispute over demurrage resolved by arbitration—Sterling exchange rate falling between date demurrage due and date of arbitration award—Whether currency exchange loss arising from late payment of demurrage recoverable. **President of India v Lips Maritime Corp, The Lips** [1987] **3** 110, HL.
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Servant of person whose liability would not be excluded—
Employer engaged in joint enterprise with third party—Employee injured while on third party's tug under control of third party's employee—Whether third party's employee servant of employer—Whether employer entitled to limit liability—Merchant Shipping (Liability of Shipowners and Others) Act 1958, s 3(2)(*a*). **McDermid v Nash Dredging and Reclamation Co Ltd** [1987] **2** 878, HL.
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Costs—
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Unusual clause in lease—Duty to explain clause to client and alert client to risk of entering into unusual lease. **County Personnel (Employment Agency) Ltd v Alan R Pulver & Co (a firm)** [1987] **1** 289, CA.
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Breach of undertaking—Duty owed to third party—Husband's solicitors giving implied undertaking to wife's solicitors not to release husband's passport—Husband obtaining passport because of his solicitors' negligence and using it to leave United Kingdom with his children contrary to court order—Whether husband's solicitors owing duty to wife—Whether husband's solicitors in breach of that duty—Whether damage caused to wife too remote. **Al-Kandari v J R Brown & Co (a firm)** [1987] **2** 302, QBD.
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Solicitor acting for legally-aided client. *See* Costs—Payment by solicitor personally—Legal aid, *ante*.
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Client not executing charge—Performance of undertaking becoming impossible—Whether solicitor guilty of professional misconduct in failing to perform undertaking—Whether court should exercise supervisory jurisdiction if performance of undertaking impossible—Whether solicitor should be ordered to compensate persons suffering loss because undertaking not performed. **Udall v Capri Lighting Ltd** [1987] **3** 262, CA.

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Secondhand car—Zeroing odometer—Whether reducing odometer of secondhand car to zero is applying false trade description—Trade Descriptions Act 1968, s 1(1)(*a*). **R v Southwood** [1987] **3** 556, CA.

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Refusal by university to award degree—Academic staff appointing examiners to assess thesis—Applicant claiming examiners not qualified to assess thesis—Applicant petitioning visitor—Visitor refusing to intervene—Whether visitor having unfettered discretion not to intervene—Whether court should order visitor to intervene. **R v University of London, ex p Vijayatunga** [1987] **3** 204, QBD.

UNOCCUPIED PROPERTY
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UNREGISTERED COMPANY
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VALUABLE SECURITY
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VALUATION (cont)
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Ward with special educational needs—
Jurisdiction of court over ward with special educational needs. *See* **Education** (Special educational needs—Wardship).
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Sterilisation—
Welfare and best interests of ward—Ward mentally handicapped and not able to understand connection between sexual intercourse and pregnancy—Ward not able to cope with birth and bringing up child—Ward's welfare and best interests requiring that she be sterilised—Whether court having jurisdiction to authorise sterilisation. **Re B (a minor)(wardship : sterilisation)** [1987] **2** 206, FamD, CA & HL.
Ward with special educational needs—
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Judicial review—
Concurrent wardship and judicial review proceedings—Importance of hearing wardship and judicial review proceedings at same time. **Re D (a minor)** [1987] **3** 717, CA.
Proceedings in private—
Disclosure of evidence—Disclosure to persons not parties—Disclosure without prior leave may be contempt of court. **Practice Direction** [1987] **3** 640, FamD.

WARRANT
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Warrant to intercept telephone calls issued by Secretary of State—
Judicial review of decision to issue warrant—Availability of remedy—National security. *See* **Judicial review** (Availability of remedy—National security—Warrant to intercept telephone calls issued by Secretary of State).

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Underground water—
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Negligence—Abstraction causing subsidence of neighbouring land—Whether landowner having unrestricted right to abstract underground water from his land—Whether landowner owing duty of care not to cause subsidence of neighbouring land by abstraction of water. **Stephens v Anglian Water Authority** [1987] **3** 379, CA.

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WINDING UP
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Compulsory winding up. *See* **Company** (Compulsory winding up).

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Broadcasting without licence—
Using wireless telegraphy apparatus without licence—Use—Wireless Telegraphy Act 1949, s 1(1). **Rudd v Secretary of State for Trade and Industry** [1987] **2** 553, HL.
Wireless telegraphy apparatus—Whether records and cassettes used for broadcasting constituting wireless telegraphy apparatus—Whether records and cassettes liable to forfeiture if offence of using wireless telegraphy apparatus without licence committed—Wireless Telegraphy Act 1949, s 14(3). **Rudd v Secretary of State for Trade and Industry** [1987] **2** 553, HL.

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